

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 25-

Record Number: PLN-11966-SP

Assessor's Parcel Number: 218-141-008

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Fantastic Gardens Humboldt, LLC Special Permit.

WHEREAS, Fantastic Gardens Humboldt, LLC provided an application and evidence in support of approving a Special Permit for 3,500 square feet of existing outdoor and 6,000 square feet of existing mixed light commercial cannabis cultivation supported by a 950 square foot nursery; and

WHEREAS, the lead agency, prepared an Addendum to the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by Section 15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on May 15, 2025 and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:**

Project Description: A Special Permit for 3,500 square feet of existing outdoor and 6,000 square feet of existing mixed light commercial cannabis cultivation supported by a 950 square foot nursery. Irrigation water is provided by a point of diversion and an existing rainwater catchment pond. Annual water usage is estimated to be 280,000 gallons per year with storage consisting of 30,000 gallons in hard tanks and 150,000 gallons in the pond for a total of 180,000 gallons. Power is provided by three generators and the project is conditioned to transition to renewable energy by January 1, 2026. The project proposes onsite relocation to move cultivation out of a streamside management area. A Special Permit is included for cultivation area restoration and the construction of

the pond within the streamside management area.

EVIDENCE: a) Project File: PLN-11966-SP

2. FINDING: **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative Declaration that was prepared for the project pursuant to Section 15164 of the CEQA guidelines.

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by section 15162(c) of CEQA Guidelines.
- c) The project has demonstrated compliance with the State Water Board Cannabis General Order for Waste Discharge by providing a copy of the Notice of Applicability. The project is conditioned to provide a Site Management Plan. The project also has a Lake or Streambed Alteration Agreement.
- d) A review of the California Natural Diversity Database indicates the project is potentially in the vicinity of a ranked plant, the Yolla Bolly Mountains Bird's Foot Trefoil (*Hosackia yollabollensis*). The applicant provided a Botanical Survey prepared by a qualified professional which concluded no species of concern are present in the project area. The project site does contain multiple streams and streamside management areas that are depicted on the site plan. With exception to some minor relocation the cultivation areas are sufficiently set back from streams. The nearest mapped Northern Spotted Owl activity centers are (HUM0174) approximately 1.25 miles to the north and (HUM0548) approximately 1.35 miles to the south. The proposed project will utilize the pre-existing disturbed areas or clearings in existence prior to baseline. The project has been conditioned to ensure lighting associated with the operation adheres to Dark Sky Association standards including security lighting Permit conditions of approval also prohibit using synthetic netting for erosion control, ensure refuse is contained in wildlife-proof

storage and prohibit use of anticoagulant rodenticides to further protect wildlife. Additionally, any noise sources are limited to 50dB at 100 feet or forest edge, whichever is closer. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect the Northern Spotted Owl or other sensitive species.

- e) An evaluation of the road to the subject parcel indicates it can accommodate expected traffic.
- f) The continued cultivation of commercial cannabis will not result in timber conversion.
- g) Consultation with tribes resulted in the standard inadvertent discovery protocol as a condition of approval.

FINDINGS FOR SPECIAL PERMIT

3. FINDING: The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE: a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING: The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) zone in which the site is located.

EVIDENCE: a) The Forestry Recreation (FR) zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.

b) General agriculture is a principally permitted use in the Forestry Recreation (FR) zone.

- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis cultivation and up to 22,000 square feet of existing mixed-light commercial cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 3,500 square feet of existing outdoor and 6,000 square feet of existing mixed light commercial cannabis cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification conducted by staff.
- d) All structures meet appropriate setbacks as depicted on the site plan.

5. FINDING: The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

- EVIDENCE:**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Forestry Recreation (FR) (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations by Parcel Map 58 (lot 57) recorded in Book 1 of Parcel Maps page 75.
 - c) The project will obtain water from rainwater catchment and a point of diversion which are eligible water sources. The applicant has provided rainwater catchment data demonstrating sufficient irrigation water can be collected in a low rainfall year.
 - d) A road evaluation conducted by the applicant found the access roads can accommodate the expected traffic with maintenance and improvements. The recommendations of the engineer are incorporated into the conditions of approval.
 - e) The slope of the land where existing cannabis will be cultivated is 15% to 30%. No new grading will occur.
 - f) The continued cultivation of cannabis will not result in conversion of timberland.
 - g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park, or

Tribal Cultural Resource.

6. FINDING: The continued cultivation of existing cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) The site is located on road that has been found to safely accommodate the amount of traffic generated by the proposed cannabis cultivation if recommended improvements are implemented.
 - b) The site is in a rural part of the County where the typical parcel size is 40 acres or more and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
 - c) Irrigation water will come from a rainwater catchment and a point of diversion which are eligible water sources.
 - d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING: The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

- EVIDENCE:**
- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

8. FINDING: Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the

County's Planning Watersheds.

- EVIDENCE:**
- a) The project site is in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this permit, the total approved permits in this planning watershed would be 156 permits and the total approved acres would be approximately 49.43 acres of cultivation.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Fantastic Gardens Humboldt, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **May 15, 2025**.

I, John H. Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department